

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )

vs. )

THOMAS A. SHAY and )  
ALFRED W. TRENKLER )

Criminal No.:  
92-10369-Z

**DEFENDANT, ALFRED TRENKLER'S REPLY TO GOVERNMENT'S  
RESPONSE TO DEFENDANT'S MOTION FOR LEAVE TO  
DISTRIBUTE A PRE-TRIAL SUPPLEMENTAL JUROR QUESTIONNAIRE**

Now comes Defendant, Alfred Trenkler, and offers this reply to the government's response to his motion for leave to distribute a pre-trial supplemental juror questionnaire:

1. Contrary to the government's assertion that defendant offers no compelling justification for use of the proposed pre-trial supplemental juror questionnaire, the defendant has offered numerous compelling reasons in support of his request.

2. Specifically, the supplemental juror questionnaire will in fact save time;

3. Second, it will encourage a more candid and honest assessment by jurors of the issues raised, particularly the issue of homosexuality, by permitting them to consider the issues in the comfort and privacy of their home rather than in an open public forum;

4. Third, given that the homosexuality issue is inextricably bound up with the conduct of defendant's trial,<sup>1</sup> defendant has submitted a compelling justification for requesting this Court to permit this limited and unobtrusive procedure;

5. Fourth, in this case defendant is facing a life sentence if found guilty. Under these circumstances, counsel's intelligent use of preemptory challenges is extremely important. The questionnaire, in its present form, will undoubtedly permit counsel for both sides to make intelligent use of their preemptory challenges;

6. Fifth, neither the jurors, the Clerk's office, or counsel will be burdened by use of the questionnaire submitted in this case. The questionnaire is brief, clear, and neutral. In addition, under the proposed procedure the clerk's office's involvement is minimal at best.

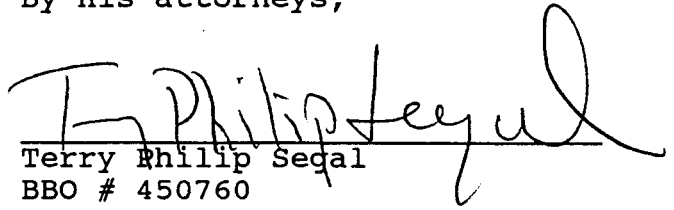
7. Finally, and most importantly, use of the proposed supplemental questionnaire will assist the Court in empaneling a fair and impartial jury and thus ensure that Mr. Trenkler will receive a fair trial.

WHEREFORE, in reply to the government's position, defendant requests this Court grant his motion for leave to distribute the pre-trial supplemental juror questionnaire in the form and manner set forth in his previous motion on this issue.

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<sup>1</sup>Defendant notes that the government in its response does not deny this fundamental premise. Cf. Ham v. South Carolina, 409 U.S. 524, 597 (holding that where an issue is "inextricably bound up with the conduct of defendant's trial" special voir dire questioning is constitutionally mandated).

Respectfully submitted,  
For the Defendant,  
ALFRED W. TRENKLER,  
By his attorneys,

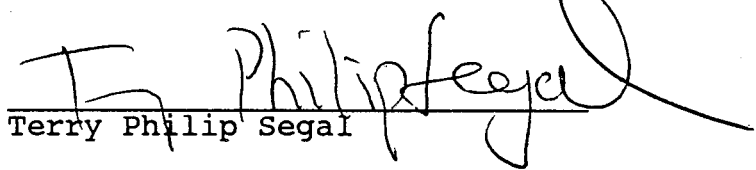


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**Dated:** May 25, 1993

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on May 25, 1993.



Terry Philip Segal